

CHAPTER 4

To what extent has Canada affirmed collective rights?

affirm: to validate and express commitment to something

collective identity: the shared identity of a group of people, especially because of a common language and culture

collective rights: rights guaranteed to specific groups in Canadian society for historical and constitutional reasons. These groups are: Aboriginal peoples, including First Nations, Métis and Inuit peoples; and Francophones and Anglophones.

Have you ever thought about what makes Canada unique? What makes Canada different than other countries, such as our close neighbour to the south, the United States?

Here's one thing that makes Canada unique: **collective rights**. Collective rights belong to groups of people and are entrenched in Canada's constitution. The purpose of collective rights is to **affirm** the **collective identity** of groups in society and to create a society where people of different identities belong.

Collective rights are part of the dynamic relationship between Canada's government and Canadian citizens. Throughout Canada's history, laws that affect collective rights, and the promises of the government to uphold them, have created opportunities and challenges for Canadians.

This chapter presents some history about collective rights in Canada. As you read, evaluate how effectively laws have affirmed collective rights over time. Consider what implications this history has for Canadian citizens today.

This is the cliff at Head-Smashed-In Buffalo Jump in southern Alberta. Aboriginal peoples of the plains — in particular, the Siksika, Kainai and Pekuni — used the jump for thousands of years. Aboriginal peoples have a unique place in Canada as the first peoples of this land. How do the collective rights of Aboriginal peoples recognize this?

FOCUS QUESTIONS

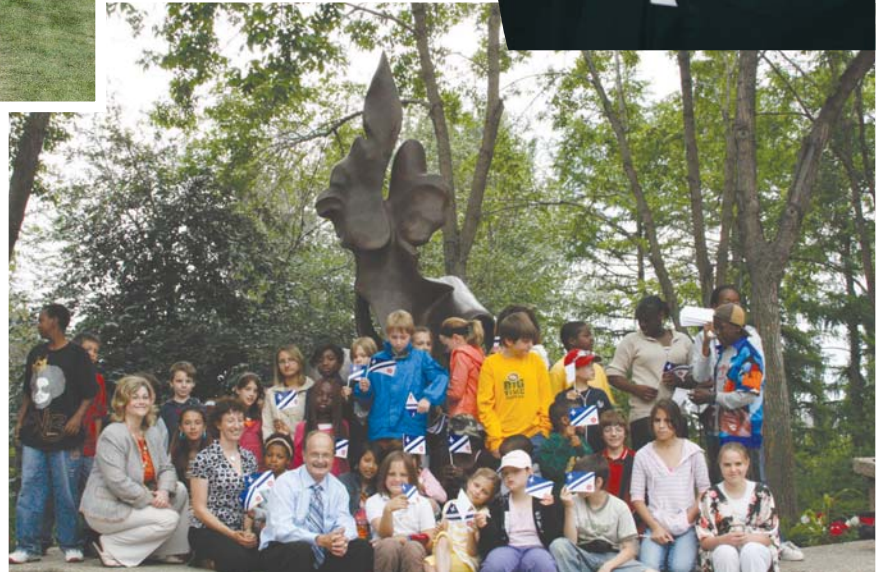
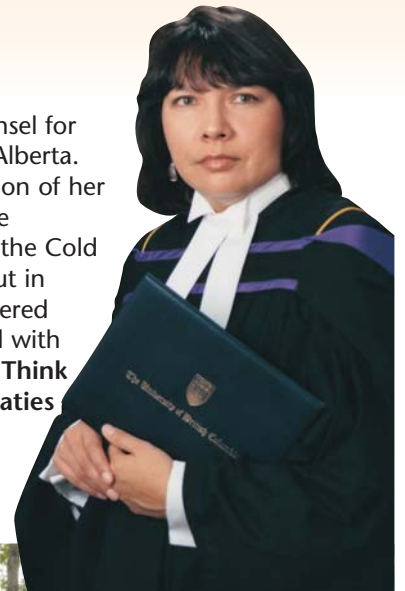
- What laws recognize the collective rights of First Nations peoples?
- What collective rights do official language groups have under the Charter?
- What laws recognize the collective rights of the Métis?

Based on these photographs, what challenges and opportunities do collective rights create for Canada?



This photograph shows celebrations to mark the opening of Métis Crossing in 2005, a historic site near Smoky Lake, Alberta, dedicated to the collective identity of the Métis. This chapter explores the history connected to Métis' identity and collective rights. **Think critically: To what extent is knowing history a responsibility that comes with citizenship?**

Wilma Jacknife is legal counsel for Cold Lake First Nations in Alberta. She works for the recognition of her people's Treaty rights in the economic development of the Cold Lake region — rights set out in Treaty 6, one of the Numbered Treaties Canada negotiated with First Nations in the 1800s. **Think critically: What might Treaties mean for citizenship in Canada today?**



The students in this photo attend Francophone schools in Alberta. They have gathered in front of "L'empreinte francophone" ("The Francophone Imprint"), a sculpture that celebrates the history and identity of Franco-Albertans. The sculpture is on the grounds of the Alberta Legislature. The photo was taken on the day the sculpture was officially unveiled, in June 2007. Chapter 4 explores the collective rights of official language groups in Canada, including the collective rights reflected in Alberta's Francophone schools. **Think critically: In what way do Francophone schools assert the citizenship of Francophones in Canada? How do they affect the responsibilities of all Canadian citizens?**



Create a display for an exhibit on collective rights in Canada.

Your Role

The Canadian Museum of Civilization is planning an exhibit on collective rights in Canada. The exhibit, called “Collective Rights: Past and Present,” will illustrate the impact of collective rights on citizenship and identity in Canada today. The museum is looking for your contribution to the exhibit. Your role is to create an interactive display that answers the question:

How has collective-rights legislation over time shaped who we are as Canadians?

Your Presentation

Your display should reflect:

- An understanding of the historical context surrounding legislation that affirms collective rights in Canada.
- An analysis of how collective rights have, over time, shaped Canadians’ unique sense of identity.

As you work through the chapter, think about what you would put in your display. Some displays have charts, written text, or pictures illustrating the information. Others have sound recordings or a multimedia presentation. Think about what you will use to illustrate your ideas about collective rights in Canada.



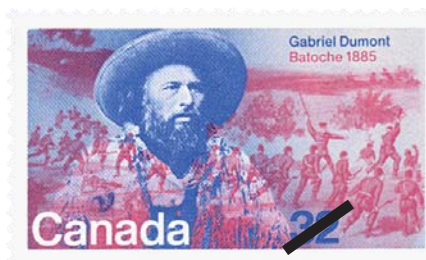
What do you already know about

Canadian history that you can apply to these stamps?



Why do you believe Canadians

want to commemorate the link between history and these identities?



These stamps commemorate events in Canada’s history that reflect the identities of Francophones, First Nations peoples and the Métis.

Let's get started!

Part of your task is to analyze the impact of collective rights on the identity of Canadians as a whole. Not all countries have legislation that protects and affirms collective rights. As you work through the chapter, look for information to help you answer the questions below.

- What are collective rights?
- What legislation establishes the collective rights of groups in Canada?
- Why do some groups have collective rights and not others?
- Why are collective rights important to all Canadians?
- How do collective rights, in the past and today, define who we are as Canadians?



You could write each of these questions on a separate piece of paper, where you add notes and information as you read. Your notes could be a list or a mind map.



DID YOU KNOW?

- Collective rights set Canada apart from other nations. For example, no groups (peoples) in the United States have rights recognized in the American constitution.
- Collective rights reflect the idea of mutual respect among peoples. This idea has a long history in Canada. For example, it shaped the Great Peace of Montréal in 1701, among thirty-nine First Nations and the French.



Based on the facts on this page, why are collective rights important to all Canadians?

Before You Get Started

FAQ: COLLECTIVE RIGHTS

What are collective rights?

- In this chapter, collective rights are rights held by groups (peoples) in Canadian society that are recognized and protected by Canada's constitution.
- Collective rights are different than individual rights. Every Canadian citizen and permanent resident has individual rights under the Charter of Rights and Freedoms, such as the right to live anywhere in Canada. Collective rights are rights Canadians hold because they belong to one of several groups in society.

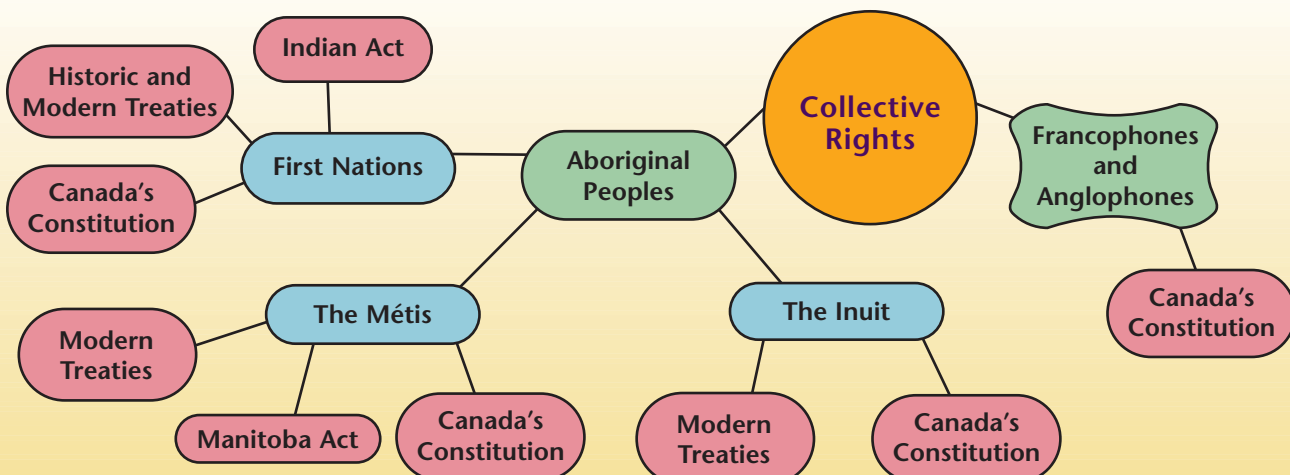
Who holds collective rights in Canada?

- Aboriginal peoples, including First Nations, Métis and Inuit peoples.
- Francophones and Anglophones.

Why do some peoples have collective rights and not others?

- Collective rights recognize the founding peoples of Canada. Canada would not exist today without the contribution of these peoples.
- Collective rights come from the roots of Aboriginal peoples, Francophones and Anglophones in the land and history of Canada.

What legislation relates to collective rights?



What laws recognize the collective rights of First Nations peoples?

WHAT'S IN THIS SECTION

In this section you will read about the legislation that affects the collective rights of **First Nations** peoples. You will find:

- Facts and data about the goals of the Numbered Treaties.
- Perspectives on how the Numbered Treaties have been interpreted over time by First Nations groups and Canada's government.
- Examples of modern Treaties that establish collective rights for Aboriginal peoples, including Inuit and Métis peoples.
- A description of the goals of the **Indian** Act.
- A news article about issues related to changing the Indian Act today.

What are you looking for?

As you read the section, look for:

- How past circumstances in Canada's history have influenced interpretations of Numbered Treaties.
- The ways First Nations and government have interpreted Treaties over time.
- How the Indian Act attempted to define and assimilate First Nations peoples.
- How First Nations peoples exercise their collective rights and preserve their identities.

First Nations: the umbrella name for the diverse Aboriginal peoples who have collective rights that are recognized and protected in Canada's constitution. The constitution refers to First Nations as "Indians," in keeping with the name used at the time of negotiating Treaties.

Indian: Europeans used the word *Indian* to describe the First Nations of North America, although these peoples were diverse and had names for themselves. Many First Nations prefer not to use the word *Indian* to describe themselves.



These students are members of the Pikangikum First Nation in Ontario. **Think critically:** What legislation could affect their identity? What opportunities and challenges does it pose for their future and the future of all Canadians?

sovereignty: independence as a people, with a right to self-government



What can you learn about the Numbered Treaties from this map? Identify three facts related to their location and dates. Identify a question posed by the map that would require further research.

What are the Numbered Treaties?

The Numbered Treaties are historic agreements that affect the rights and identity of some First Nations in Canada.

- The Numbered Treaties have roots in the Royal Proclamation of 1763. Britain made the proclamation at the end of the Seven Years' War, as it sought to establish control over lands in North America formerly claimed by France. The proclamation recognized First Nations' rights to land, and established the principle of making treaties with First Nations through peaceful negotiation.
- Other laws also affect the collective rights of First Nations, including the Indian Act and section 35 of the constitution. You can read more about the Indian Act on pages 100 and 137, and more about section 35 on pages 134 and 156.

The Numbered Treaties

This map shows modern provincial and territorial boundaries that did not exist when First Nations and Canada negotiated the Numbered Treaties. We have included them here to orient you.



DID YOU KNOW?

The collective rights of First Nations, Métis and Inuit peoples are a work in progress. Negotiations between Aboriginal peoples and Canada's government continue today, including negotiations to establish modern Treaties and to clarify rights related to the **sovereignty** of Aboriginal peoples.

The Numbered Treaties were agreements between the Queen and First Nations.

- First Nations agreed to share their lands and resources in peace. Canada's government agreed to terms covering First Nations' education, **reserves**, **annuities** and other matters. The terms differ from Treaty to Treaty. (See the chart below.)
- For First Nations, the Numbered Treaties are sacred — nation-to-nation agreements, solemnly made, that cannot be changed without their agreement. Treaty rights and citizenship go together for First Nations now, in the past and into the future.

annuity: an annual payment. Under the Numbered Treaties, annuities are mostly symbolic today. For example, the members of Treaty 8 each receive \$5.00 per year.

reserve: land for the exclusive use of First Nations

Terms of Treaties 6, 7 and 8

This chart summarizes the terms in the written versions of the major Numbered Treaties in Alberta.

| | Health Care | Education | Hunting and Fishing Rights | Reserves | Farming Assistance | Payments, Annuities and Special Benefits |
|----------------------|-------------|-----------|----------------------------|----------|--------------------|--|
| Treaty 6 (1876–1899) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Treaty 7 (1877) | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Treaty 8 (1899) | ✓ | * | ✓ | ✓ | ✓ | ✓ |

* Mentioned in the written report of the negotiations, but not mentioned in the written terms of the Treaty.

DID YOU KNOW?

Not all First Nations peoples signed Treaties. Their collective rights are affirmed in section 35 of the constitution. You can read more about the constitution and section 35 on pages 134 and 156.



To what extent do you believe it's important to follow up on agreements? Think of a situation in your own life where you have reached an agreement with someone.

Our Elders view the Treaty as something that is sacred. It is an agreement between the First Nations in this region and her Majesty the Queen — so, the people of Canada. We saw it as a way to live in harmony with European settlers, and to share the land and its resources. Treaty 8 is fundamental to our people.

— Elder Paul Eugene Beauregard, Bigstone Cree Nation, Alberta, October 2007.

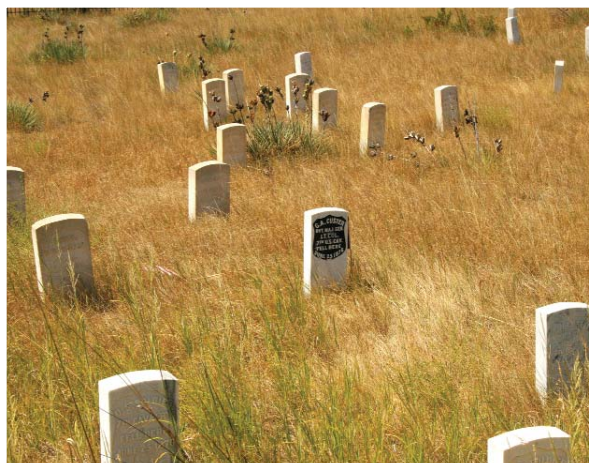
We had our own government and laws before the arrival of Europeans, and we lived in harmony with Mother Earth. We signed the Treaty to live in harmony with the people of Canada and their government. To us, this makes all the people of Canada Treaty people, just as we are. The Treaty is forever: for as long the as the grass grows, the water flows and the wind blows.

— Elder Bruce Starlite, Tsuu T'ina First Nation, Alberta, January 2008.



First Nations in the west and Canada negotiated the Numbered Treaties for many reasons.

Canada wanted to build a railway to link the province of British Columbia to the rest of Canada and to open the west to immigration. B.C. joined Confederation on condition that Canada would build the railway. This photo shows railway workers in the 1890s, a few years after the railway was complete.



First Nations and Canada's government wanted to avoid war. Just to the south, Aboriginal peoples and the United States were fighting wars over territory. This photo shows the graves at the site of the Battle of the Little Bighorn in what is today Montana, where more than 100 Aboriginal and 250 American soldiers died in 1876.



The Royal Proclamation of 1763 recognized the rights of First Nations to their lands in parts of North America claimed by the British. Britain issued the Royal Proclamation after it defeated France in the Seven Years' War and became the dominant colonial power in North America.



First Nations wanted to secure their future. They were facing economic and social upheaval from smallpox epidemics, the eradication of the buffalo, the end of the fur trade, and the pressures of European settlement. This photo shows buffalo bones collected on the Canadian prairies in the 1880s and 1890s.



CRITICAL THINKING CHALLENGE In

what way did the Numbered Treaties acknowledge the past? In what way did they respond to events of their time?

Perspectives play a role in the interpretation of the Treaties.

- Canada's government believes First Nations gave up their land under the Treaties. Many First Nations disagree, especially since their worldviews do not think of land as something anyone can "own" or "give up."

To us, the land is a legacy, not a commodity. It is every part of our culture. The land from which our culture springs is like water and air. It is one and indivisible.

— Gabriel and Clemence Anderson, Elders, Bigstone Cree Nation (Treaty 8).
Translated from Cree by Darrell Anderson Gerrits (Osaw Maskwa), 2005.

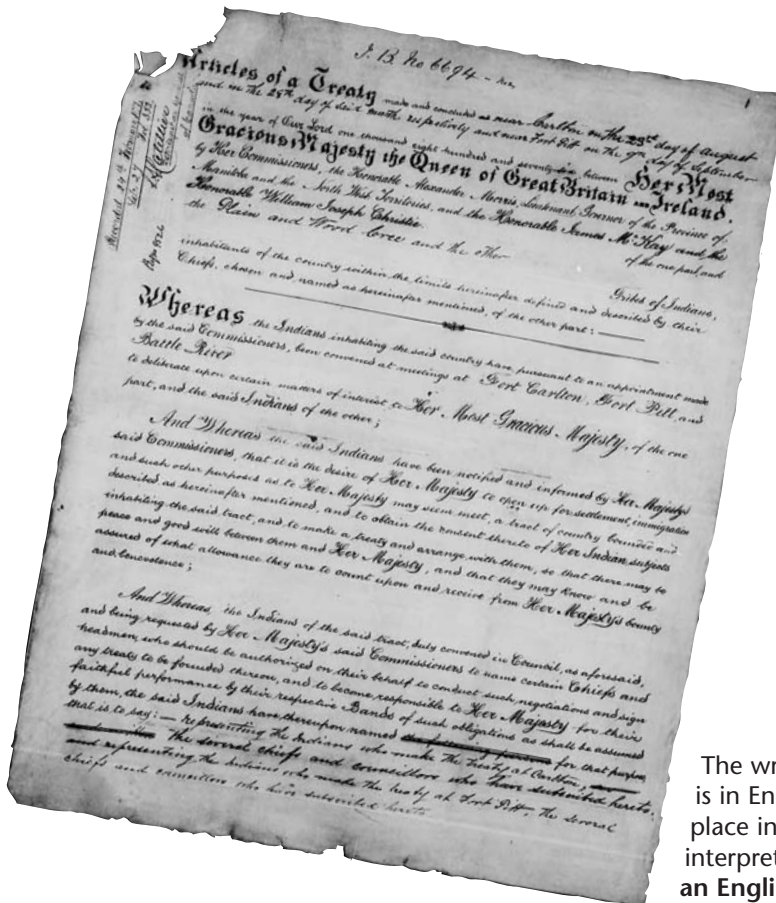


Gabriel and Clemence Anderson

- First Nations recorded the Treaties in their oral histories in their own languages. Canada's government recorded the Treaties in writing in English. The oral and written records disagree on key aspects of the Treaties.



CRITICAL THINKING CHALLENGE How does the way you understand the past affect the way you understand groups in society today? How do perspectives affect understandings of the past?



This is Darlene Littlebear-MacIntosh of the Onion Lake First Nation in Alberta. She takes care of the talking sticks — the oral record — of Treaty 6 for her people. Each talking stick corresponds to a provision in the written Treaty, with

one exception. The first stick, considered the most important, describes Treaty 6 as an agreement between First Nations and the Queen of Britain, who represented the people of Canada. **Thinking critically:** How does the first stick demonstrate a First Nations perspective on the Treaties?

The written record of Treaty 6, shown here, is in English, but the treaty negotiations took place in several languages and relied on interpreters. **Thinking critically:** Why might an English record differ from a record in another language?

FIRST NATIONS PERSPECTIVES

A Timeline of Two Views of the Numbered Treaties

The next seven pages present a timeline spanning more than a century. Here’s how to use the timeline.

- The top of each page presents information about the perspectives of First Nations on the Numbered Treaties. Most of these perspectives come from First Nations in Alberta covered by Treaties 6, 7 and 8. Analyze these for evidence that First Nations viewed, and continue to view, the Treaties as nation-to-nation agreements that establish rights. Use an organizer like the one below.

Perspective: First Nations

| Date | Source | Main Idea | Affirms First Nations? |
|------|-------------------------------------|--|------------------------|
| 1876 | Mistahwahsis, Treaty 6 negotiations | – Treaty is permanent – securing the future | Yes |
| | | | |

CANADIAN GOVERNMENT VIEWS

- The bottom of each page presents information about the views of Canada’s government on the Numbered Treaties. Analyze these for evidence that Canada’s government has had different views of Treaty rights over time. Use an organizer like the one below.

Views: Canadian Government

| Date | Source | Main Idea | Affirms First Nations? |
|------|-------------------------------------|--|------------------------|
| 1876 | Alex. Morris, Treaty 6 negotiations | – Treaty is permanent – First Nations should learn European ways – First Nations can keep traditional ways | Yes and No |
| | | | |

Chief Morris Scennacappo of Rolling River First Nation in Manitoba participates in a demonstration in front of Canada’s parliament buildings in 2002. The demonstration concerned changes to legislation that affected the rights of First Nations.



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FIRST NATIONS PERSPECTIVES

1876

A Perspective from Treaty 6

What we speak of will last as long as the sun shines and the river runs. We are looking to the future of our children's children.

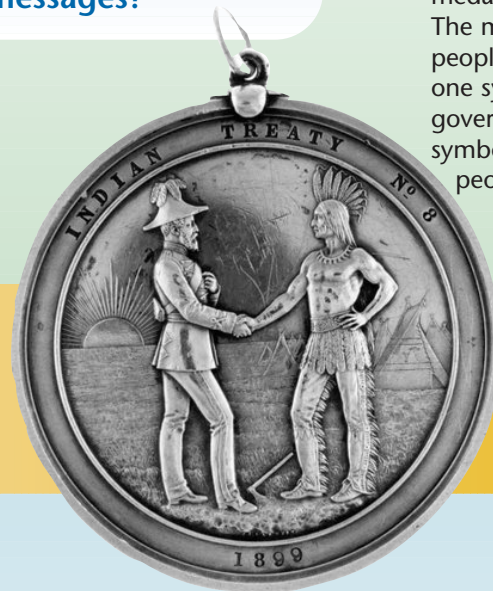
— Cree spokesman Mistahwahsis about the terms of Treaty 6, August 22, 1876.



Examine the medal carefully. What messages about the meaning of the Numbered Treaties does it convey?

To what extent do the statements on this page convey the same messages?

Canada's government struck medals like this to commemorate the Numbered Treaties. This medal dates from 1874. The medal shows two people shaking hands: one symbolizes Canada's government and one symbolizes First Nations peoples.



CANADIAN GOVERNMENT VIEWS

1876

What I will promise, and what I believe and hope you will take, is to last as long as the sun shines and the rivers flow... I see the Queen's Councillors taking the Indian by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man... I see **Indians** gathering, I see gardens growing and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time, I see them enjoying their hunting and fishing as before, I see them retaining their old modes of living with the Queen's gift in addition.

— Alexander Morris, August 18 and September 7, 1876 during the negotiation of Treaty 6. Morris represented Canada during the negotiations.

Indian: Many First Nations prefer not to use the word *Indian* to describe themselves. It is used here because Alexander Morris used it.

FIRST NATIONS PERSPECTIVES

A Perspective from Treaty 6

First Nations were and are independent peoples with their own processes of government and ways of organizing their nations. **Why did they — and do they — expect to remain in charge of decisions affecting their culture and identity? How might their Treaty rights figure in their perspective?**

This photo dates from 1910 and shows a settlement of the Blackfoot Confederacy in southern Alberta.



Compare and contrast the information on this page. What issues about First Nations governance can you identify?

CANADIAN GOVERNMENT VIEWS

Under the Indian Act, Canada's government appointed Indian Agents to run reserves. This photo shows Howard Sibbald, Indian Agent at the Nakoda reserve near Calgary from 1901 to 1904. Canada's government appointed Indian Agents without consulting First Nations.

1876: The Indian Act

Canada's parliament passed the Indian Act, which made rules about the lives of First Nations peoples without consulting them. At the time, Canada's government viewed First Nations as peoples who needed guidance. This connected to Canada's colonial past, and the attitude that European ways were superior to the ways of other peoples. How does the excerpt from the Indian Act, below, reflect this? You can read more about the Indian Act on page 137 and page 138.

61. THOSE ENTITLED TO VOTE SHALL BE THE MALE MEMBERS OF THE BAND OF THE FULL AGE OF TWENTY-ONE YEARS.
62. THE CHIEFS OF ANY BAND OF INDIANS SHALL BE ELECTED, AT SUCH A TIME AND PLACE AS THE [FEDERAL GOVERNMENT] MAY DIRECT, AND THEY SHALL BE ELECTED FOR A PERIOD OF THREE YEARS, [UNLESS THE FEDERAL GOVERNMENT DECIDES TO REMOVE THEM.]
- INDIAN ACT, 1876.

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A Perspective from Treaty 7

This photo shows two Siksika school children. Their mother, Mary Running Rabbit, stands behind them on the right. The Siksika Nation is part of Treaty 7.

The two women have taken the children to a spiritual leader, who has drawn circles on their faces. The circles represent the cycle of the sun from sunrise to sunset.

The circles show that this family values its culture and identity. **What hopes and expectations might this family have for the education of these children? How might Treaty rights to education have figured in their plans for the future?**



WHAT'S A LAW VERSUS A POLICY?

Governments create laws, and they also create policies. A law describes principles or conditions that must be followed. A policy describes objectives of the government, within the law.

Example: First Nations Education

- The Numbered Treaties — the law — said that the federal government was responsible for providing education to First Nations.
- The policy of the federal government was to provide this through residential schools.

This photo is undated, but was probably taken during the 1920s or 1930s. The aim of the people in this photograph — to affirm the identity of the children — contrasts with the aim of the government's policy on residential schools, below. The last residential school in Canada closed in 1996.

1879: Residential Schools

Canada's government commissioned MP Nicholas Davin to recommend how to provide First Nations with education and to assimilate them at the same time. The Davin report in 1879 recommended residential schools. Residential schools removed children from their families and disrupted their connections to their languages, cultures and identities.

Residential schools allow "aggressive civilization" by separating the children from the parents... Residential schools make a certain degree of civilization within the reach of Indians despite the deficiencies of their race... The Indians realize they will disappear.

— Adapted from the *Report on Industrial Schools for Indians and Half-Breeds* by Nicholas Flood Davin, March 14, 1879.

Recently, Canada's government has begun to compensate former students of residential schools for the trauma they suffered.



These photos show Thomas Moore before and after his entrance into the Regina Residential School in 1897. How does the message of these photos compare with the photo above?

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FIRST NATIONS PERSPECTIVES

Indian: First Nations sometimes use this term because it was, and continues to be, a term with legal and constitutional significance. It is not a term First Nations chose for themselves.



John Tootoosis, Poundmaker Cree Nation, helped found the Union of Saskatchewan Indians in 1946.

1939

A Perspective from Treaties 6, 7, and 8

First Nations in Alberta organized the Indian Association of Alberta. **What do the objectives of the association, quoted below, tell you about the reason it was founded?**

The aims of the Indian Association of Alberta shall be:

1. To maintain treaty rights.
2. To advance the social and economic welfare of **Indian** peoples.
3. To secure better educational facilities and opportunities.
4. To cooperate with federal, provincial and local governments for the benefit of Indians.

— Constitution of the Indian Association of Alberta.

1946

A Perspective from Treaty 6

We made treaties with Great Britain and the trust was given to the Canadian government to live up to our treaties. Ever since the first treaties, First Nations have felt that [Canadian] officials have not complied with those treaties.

— John Tootoosis, Poundmaker Cree Nation, 1947.

CANADIAN GOVERNMENT VIEWS

1939

The economic adjustment of the Indians to modern life is a large problem. We need to make the Indians lead the normal life of the ordinary Canadian citizen.

— Adapted from a statement by T.R.I. MacInnes, secretary of Canada's Indian Affairs Branch.

A Nakoda man, whose name is unknown, ploughs a field on the Nakoda reserve near Calgary. Government policies and the Indian Act sought to replace the traditional ways of First Nations with European ways, such as farming. For example, at points in its history, the Indian Act prohibited First Nations people from wearing traditional clothing.



1970

A Perspective from Treaties 6, 7, and 8

To preserve our culture it is necessary to preserve our status, rights, lands and traditions. Our treaties are the basis of our rights... The treaties are historic, moral and legal obligations... The government must declare that it accepts the treaties as binding...

— The Indian Association of Alberta, *Citizens Plus*, 1970.



Compare the statement above with the statement below. Why might the government have made the statement below? Why might First Nations have protested against this statement?

Harold Cardinal, elected leader of the Indian Association of Alberta, delivers his perspective on Treaty rights to Prime Minister Pierre Trudeau and his cabinet in June 1970. Harold Cardinal considered First Nations people as full citizens of Canada, with all the rights of individual Canadians, and with collective rights in addition. He captured this idea with the term “citizens plus,” which became the title of a paper on Treaty rights he helped author for the Indian Association of Alberta in 1970. Part of the paper is quoted above.

1969

Canada cannot be a just society and keep discriminatory legislation on its statute book. The barriers created by special legislation, such as treaties, can generally be struck down. The treaties need to be reviewed to see how they can be equitably ended.

— Adapted from the “Statement of the Government of Canada on Indian Policy,” 1969.

Jean Chrétien was Minister of Indian Affairs when Canada’s government released the “Statement of the Government of Canada on Indian Policy.” The release triggered an intense protest from First Nations.



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FIRST NATIONS PERSPECTIVES

entrenching:

fixing firmly within

patriate:

to bring to a country something that belongs to the country

1980**A Perspective from Treaties 4, 6, and 10**

We, the First Nations, proclaim our dedication and commitment to the recognition of our unique history and destiny within Canada by **entrenching** our treaty and Aboriginal rights within the constitution. Only in this way can we truly fulfill the sacred obligation handed down to us by our forefathers for future generations. Anything less would result in the betrayal of our heritage and destiny.

— Adapted from a presentation to Canada's parliament by the Federation of Saskatchewan Indians, December 1980.



This photo shows First Nations delegates from the Federation of Saskatchewan Indians in London in 1980 to petition Britain's parliament for inclusion of Aboriginal rights in Canada's constitution. Britain, as a former colonial power, controlled Canada's constitution. First Nations, Métis and Inuit peoples realized Britain might consider changing the constitution before it was **patriated**. In the end, their work ensured Canada made this change. The result: section 35 of Canada's constitution recognizes First Nations, Métis and Inuit peoples as Aboriginal peoples, and recognizes their existing Treaty and Aboriginal rights.

1982: The Constitution

I speak of a Canada where men and women of Aboriginal ancestry, of French and British heritage, of the diverse cultures of the world, demonstrate the will to share this land in peace, in justice, and with mutual respect.

— Prime Minister Pierre Trudeau, April 17, 1982 at the proclamation ceremony for the constitution.



Prime Minister Pierre Trudeau led negotiations to patriate Canada's constitution in 1982. He did not agree, at first, with including the rights of First Nations, Métis and Inuit peoples in the constitution. He believed Aboriginal people needed to be equal with other Canadians. He viewed laws that set them apart — such as the Numbered Treaties or provisions in the constitution — as obstacles to their equality. Aboriginal peoples viewed these laws differently — as affirmations of their identity. They used their democratic rights to voice their perspective.

CANADIAN GOVERNMENT VIEWS

2007

A Perspective from Treaties 6, 7 and 8

The chiefs of Treaties 6, 7 and 8 took out full-page advertisements in Alberta newspapers to mark the Aboriginal Day of Action on June 29, 2007. The advertisements stated that:

- First Nations negotiated the Treaties to share the land, so that First Nations peoples and non-First Nations peoples could benefit.
- Treaties were, and are, nation-to-nation agreements.
- First Nations were, and are, diverse peoples.

The chiefs called on Canadians to lobby the federal government to recognize the true spirit and intent of the Treaties.



First Nations marked the Aboriginal Day of Action on June 29, 2007 with marches on Parliament Hill and provincial legislatures. This photo shows a march in Winnipeg. Examine the photo for evidence of the perspective of these marchers on Treaty rights. **Think critically:** In what way is this march an expression of democratic rights? In what way does it affirm the identity of the marchers and their citizenship in Canada?

DID YOU KNOW?

Modern agreements — or modern Treaties — between Aboriginal peoples and governments in Canada also establish collective rights. For example:

- Nunavut Land Claims Agreement (1993): established Inuit title to more than 350 000 square kilometres in Nunavut.
- Sahtu Dene and Métis Comprehensive Land Claim Agreement (1994): established the rights of the Sahtu Dene and Métis to 41 437 square kilometres in the Northwest Territories, and to negotiate an agreement to govern themselves.
- Nisga'a Final Agreement (2000): established the rights of the Nisga'a Nation to more than 1900 square kilometres in British Columbia and to govern themselves.

2005

[Moving forward will] require a new partnership among us and a new relationship with First Nations, Inuit and the Métis Nation—one based on mutual respect, responsibility and accountability.

We recognize the Treaty and Aboriginal rights protected in our constitution. This is the foundation for our relationship... Today we reaffirm our commitment to renewing our approach to implementing self-government and treaties, and to the resolution of Aboriginal rights to land and resources...

— Prime Minister Paul Martin in an address to the meeting of First Ministers and Aboriginal leaders in Kelowna, B.C., November 24, 2005.



Prime Minister Paul Martin makes a statement at the First Ministers and National Aboriginal Leaders meetings in Kelowna, B.C., on November 25, 2005. **Think critically:** How could you find out the position of Canada's current government on Treaty rights?

HOW TO
IDENTIFY AND ANALYZE
INFORMATION SOURCES

What’s the difference
between primary and
secondary sources?

Primary sources are created by people who actually saw or participated in an event and recorded their reactions to that event immediately after the event occurred. Secondary sources are created by someone not present at the event, or are interpretations of events that already occurred.

There are many types of information sources — for example:

- Written documents, such as letters, news articles, diaries, biographies, legal documents, quotes or interviews.
- Websites and e-mails.
- Recordings and videos.
- Photographs, paintings and drawings.
- Artifacts such as clothing or objects.

Using the questions below, work with a partner to identify two examples of information sources in this section. How does the source contribute to your understanding of the issues regarding collective rights? Create a chart to organize your ideas.

| How to Identify and Analyze Information Sources | Example | Example |
|--|---------|---------|
| Is the source primary or secondary? | | |
| Is the source reliable and knowledgeable about the subject? How do you know? | | |
| What views or perspectives does the source contain? How does this affect its validity? | | |
| When was the source created? | | |
| Why was it created? | | |
| What does the source tell you about collective rights? | | |



Compare and contrast two sources from this chapter to determine to what extent they affirm the collective rights of First Nations, Métis or official language minorities. Identify the sections in the Charter of Rights and Freedoms associated with the collective rights you describe.

Using your research skills, find one or two other sources to support your examples from the chapter. *Refer to the Skills Centre on pages 360 to 362 to give you ideas for other types of sources you can research.* Write a paragraph summarizing your information and share it with the class.



What is the Indian Act?

So far, this chapter has explored the collective rights of First Nations in the Numbered Treaties. This exploration mentioned the **Indian Act**, because the Indian Act demonstrated something important about the way Canada's government understood Treaty rights. This page and the next examine the Indian Act in more depth.

- The Numbered Treaties confirmed the Canadian government's duty to protect the collective rights of First Nations. The Indian Act was one way the government attempted to do this.
- The act affirmed the collective rights of First Nations. It also created officials for each reserve — “Indian Agents” — with the power to decide individually how the government would fulfill its duties. This meant there were many interpretations of what Treaty rights meant on a case-by-case basis.
- The Indian Act dates from 1876. At the time, Canada's government thought it appropriate to make laws for First Nations without consulting them. This connects to Canada's colonial past, when people of European descent believed their cultures superior to other cultures (**ethnocentrism**).
- The act defines who may be registered as a “status Indian” with Treaty rights. This means the federal government mostly controls these decisions, not First Nations themselves. The Indian Act was — and is — a way for the government to administer Treaty rights to Treaty peoples.
- The act originally aimed to **assimilate** First Nations peoples.
 - It defined how First Nations peoples had to conduct their affairs, such as band elections, although First Nations had their own ways of governing themselves.
 - At points in its history, the act restricted the right of First Nations people to travel freely, to take political action, to wear traditional dress, and to take part in traditional ceremonies.
 - Until 1960, the act required First Nations people to give up their legal identity and Treaty rights to gain the right to vote.
- Pressure from First Nations has caused Canada's government to revise the Indian Act several times. The act remains in force today.

assimilate: become part of a different cultural group

ethnocentrism: the belief that one's culture is superior to all other cultures

Indian Act: federal legislation related to the rights and status of First Nations peoples (“status Indians”), first passed in 1876 and amended several times

DID YOU KNOW?

Under section 87 of the Indian Act, some First Nations people living on reserves do not pay taxes. Most First Nations people, however, do pay taxes.

connect to the big ideas

1. Why might the Indian Act both challenge and affirm First Nations identity today? Propose a response and back it up with evidence from this page.
2. How could you check your response with the views of First Nations? Create a brief research plan for gathering the views of First Nations in Alberta. *Refer to pages 355 to 359 in the Skills Centre for tips on developing a research plan.*

skills
centre

Changing the Indian Act

First Nations and Canada's government agree that the Indian Act needs updating. But First Nations rejected the government's attempt in 2002. **What issues about updating the act does this news article reveal?**

First Nations vow to battle bill

June 14, 2002

OTTAWA — Ottawa has unveiled legislation to replace the Indian Act: Bill C-61, the First Nations Governance Act.

"This legislation puts the power to handle community governance affairs where it belongs, in the hands of First Nations people themselves," said Indian Affairs Minister Bob Nault.

Many First Nations say the government did not consult them adequately before drafting the bill. They reject the bill in principle, because it does not recognize their status as nations with the right to make rules for themselves.

Among its many measures, the First Nations Governance Act would establish codes of conduct for First Nations officials and require First Nations to prepare budgets for public review. As well, it would allow First Nations to make bylaws for their reserves.

Assembly of First Nations Grand Chief Matthew Coon Come ripped up the bill in full view of hundreds of First Nations protestors on Parliament Hill. He called the bill "the Indian Act, Part II."

"I believe that we as First Nations have a right to determine our own political institutions, to establish our own political societies. We are not children. We can manage, coordinate, administer and run our own affairs," he said.

Roberta Jamieson, chief of the Six Nations of the Grand River, describes the bill as a new form of colonialism. It's "little more than a new rule book," she says.

Minister Nault says the bill is needed because the 126-year-old Indian Act is outdated.

— Based on research into events, views and perspectives.



SPOT AND RESPOND TO THE ISSUE

What should be done about the Indian Act today? Consider the steps in **Spot and Respond to the Issue** on pages 12 and 13. What individuals and groups does this issue affect most? How does it connect to their sense of citizenship and collective identity?

Arron Turkey, 6, of the Six Nations of the Grand River in Ontario, takes part in a protest along with Elder Gordon Lee of Ermineskin Cree Nation, Alberta, on Parliament Hill to protest the First Nations Governance Act, June 14, 2002.



Analyzing Historical Context

In this chapter, you have explored laws related to the collective rights of some peoples in Canada. These laws have included Treaties 6, 7 and 8, the Indian Act and Canada's constitution. In the coming pages of the chapter, you will find information about other laws and collective rights.

Collective rights have roots in history. How can understanding historical context help you understand collective rights, and their role in Canadian society today?



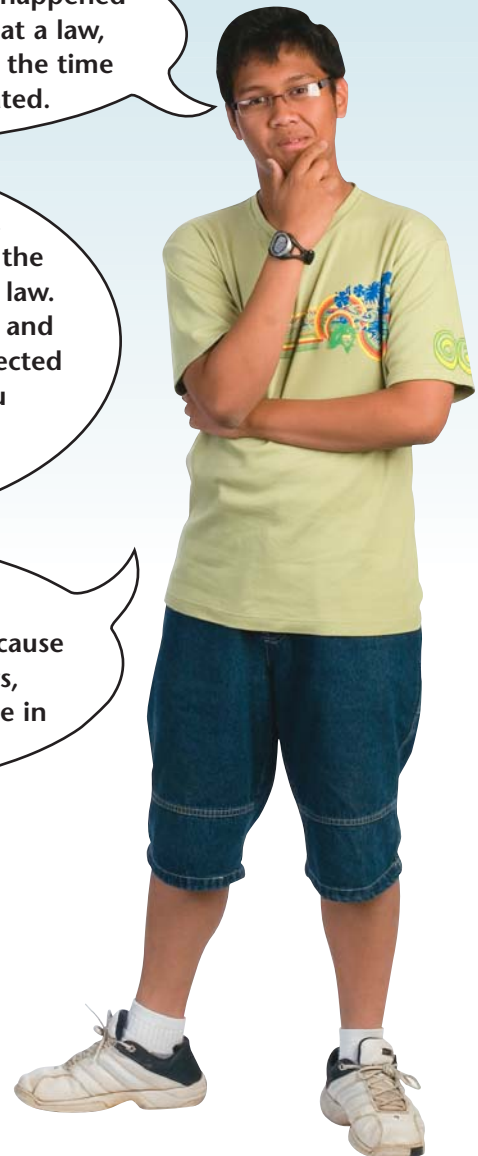
HOW DO YOU ANALYZE HISTORICAL CONTEXT?



Analyzing historical context is part of analyzing why things happened in the past. It's about looking at a law, for example, and investigating the time in which the law was created.

If you are researching a law, you need to research events in the past that may have affected the law. You also need to research views and perspectives from the past connected to the law. This will help you understand how and why the law came about.

Understanding historical context can help you develop an informed position on issues, because the past can influence the views, perspectives and actions of people in Canadian society today.



Try this!

Research in more depth one of the laws found in this chapter. Choose from the list below. Use the questions in the chart below as a model for analyzing the historical context of the law you choose.

Laws Affirming Collective Rights

- Treaties 6, 7 and 8
- Indian Act
- Official Bilingualism
- Minority Language Education Rights
- Manitoba Act
- Section 35, Constitution Act

TOPIC: *Treaty 8*

| Inquiry | Student Notes |
|---|---|
| 1. When was the law created? | <i>1899</i> |
| 2. What events had an impact on the law? | <i>- Royal Proclamation of 1763 - Loss of the buffalo...</i> |
| 3. What views and perspectives had an impact on the law? | <i>First Nations perspectives: - Treaty 8 was a permanent nation-to-nation agreement... Government views: - Colonial attitude that non-European peoples needed guidance...</i> |
| 4. What issues concerning the law have arisen over time? | <i>- To what extent has Canada's government honoured the terms of the Treaty? - How should Canadians respond to the collective rights of Treaty 8 First Nations?</i> |
| 5. Why have these issues arisen? | <i>- The government's policy of residential schools because... - The impacts of Indian Act on First Nations because...</i> |
| 6. How does the law affect citizenship for all Canadians today? | <i>- Treaty 8 First Nations continue to seek recognition of their Treaty rights, so...</i> |



Read the chart carefully. How do the questions relate to the perspective of Treaty 8 First Nations today? Choose one question and describe a connection.

What collective rights do official language groups have under the Charter?

WHAT'S IN THIS SECTION

This section presents information about the collective rights of **Francophones**, set out in Canada's Charter of Rights and Freedoms. You will find:

- A map about language majorities and minorities in Canada.
- Interviews with a Francophone student and an **Anglophone** student, describing how their collective rights affect their quality of life.
- Backgrounders about the history of the rights of Canada's **official language communities**.
- Flow charts showing the effect of those rights in Alberta and Québec.

What are you looking for?

As you read the section, look for:

- The challenges and opportunities Francophones face in maintaining their culture and identity.
- The effectiveness of the Charter in fostering Francophone identity.

Anglophone: a person whose first language is English

Francophone: a person whose first language is French

official language community: one of the groups in Canadian society whose members speak an official language of Canada — French or English — as their first language

This Francophone school in Fort McMurray has classes from Kindergarten to Grade 12. Alberta has Francophone schools because of the official language minority education rights of Franco-Albertans, recognized and protected in Canada's Charter of Rights and Freedoms.



What are official language minorities?

The next page presents an interview with a Francophone student from Saint-Isidore, Alberta, followed by an interview with an Anglophone student in the city of Québec. **What do Francophone students in Alberta and Anglophone students in Québec have in common? Use information from the map below to formulate your answer.**

Languages spoken by the majority in Canada, 2001



connect to the big ideas

Use evidence from the map to complete the activities below. **Go to the Skills Centre on pages 345 and 346 for tips on reading this map.**



1. Minority means a small group within a larger group. Why are Francophones in Alberta, such as those living in Saint-Isidore, considered to be living in a “minority setting”?
2. What challenges and opportunities does affirming Francophone and Anglophone identity create for Canada? Describe a challenge and opportunity for Francophones in Saint-Isidore, and a challenge and opportunity for Anglophones in Québec.

Une Élève Parle

A Student Speaks

Rachel St. Laurent is a Grade 10 student at École Héritage, a Francophone school in Falher, Alberta, established in 1988 because of section 23 rights in Canada's Charter of Rights and Freedoms (see below). Rachel lives in Saint-Isidore, a Francophone community near Peace River. Francophones in Alberta belong to one of Canada's **official language minorities**.

I have attended a Francophone school ever since I was in kindergarten. My whole family is Francophone. I think it's important to go to a Francophone school because it shows my community that I'm really trying to be involved in French.

I want to keep my French language my whole life, and to pass it on to my kids. I think it's important, both for myself and for my community, to keep my French and to show it off. It shows people that everybody's different, and nobody's better than somebody else just because they speak another language.

French is the first language for just about everybody in Saint-Isidore. When I'm done with school, I'm planning to become a hairdresser. My friends and I want to own our own company. So it will be really useful to speak both French and English. I feel lucky to be bilingual.

I sometimes worry about losing my French. It takes effort to speak French in everyday life, because in Alberta almost everyone speaks English.



official language minority: a group that speaks one of Canada's official languages (English or French) and that does not make up the majority population of a province or territory



WHAT'S A FRANCOPHONE SCHOOL?

Rachel's school, École Héritage, is one of 26 Francophone schools in Alberta. Francophone schools and school boards are a right of Alberta's Francophone minority under section 23 of Canada's Charter of Rights and Freedoms, just as Anglophone schools are a right of the Anglophone minority in Québec.

Francophone schools provide instruction for Francophone students — students whose first language is French. They are different from French immersion schools, which teach French to students whose first language is not French.

Francophone schools affirm the identity of Francophone students, their families and their communities.



How do Rachel's rights as a Francophone affect her quality of life?



How does Rachel represent the concerns of a minority-language speaker?

profile

Living en Anglais

Devin Mens is an English-speaking student who attends Québec High School in the city of Québec. Québec High School is one of many schools in the province of Québec that provides education for Anglophones. Like Francophone schools in Alberta, Devin's school comes from the right of Anglophones in Québec as an official-language minority.



Devin Mens

I'm bilingual, but English is my first language. I'm a lot more comfortable in English. My family speaks English at home.

I feel it's important for me to attend an English school because English is my mother tongue. I feel like I should be educated in my first language. Also, English is the language that has the most possibilities in the field I want to go into later on in life. I want to work in the sciences, and that's mostly in English.

I think my life is similar to students who live in places where English is the majority language. The biggest difference is probably everyday stuff — like having to know French terms at the grocery store. Outside of school and home, I have to speak French most of the time. For example, I'm on a baseball team, and every one of my teammates is Francophone.

I don't worry about losing my identity, living in Québec. If anything, living here makes my Anglophone identity stronger. Because there aren't very many of us here. In the city of Québec, less than 5 percent of people are Anglophones. You're more aware of the fact that you're an English-speaking person when you're in a French-speaking society.



How does Devin represent the concerns of a minority-language speaker?



The city of Québec is the oldest permanent European settlement in Canada, established by France in 1608. It is the capital of the majority French-speaking province of Québec today.

What are the Charter rights of official language groups?

Official bilingualism

- Sections 16 to 20 of the Charter establish French and English as official languages of Canada, and the right of Canadian citizens to conduct their affairs with the federal government in either official language.
- These sections also establish New Brunswick as an officially bilingual province.

Minority language education rights

- Section 23 of the Charter says that a French-speaking or English-speaking minority population of sufficient size in any province has the right to **publicly funded** schools that serve their language community.

 How do the collective rights and identity of Francophones reflect and affirm their history?

publicly funded: paid for by taxes and provided by government

The rights of Francophones in Canada today reflect the deep roots of Francophones in Canada's past.

Francophones in Québec and in Canada have supported legislation to protect their language and preserve their culture in majority and minority settings.

1608 Samuel de Champlain founds the city of Québec, and establishes New France in North America.

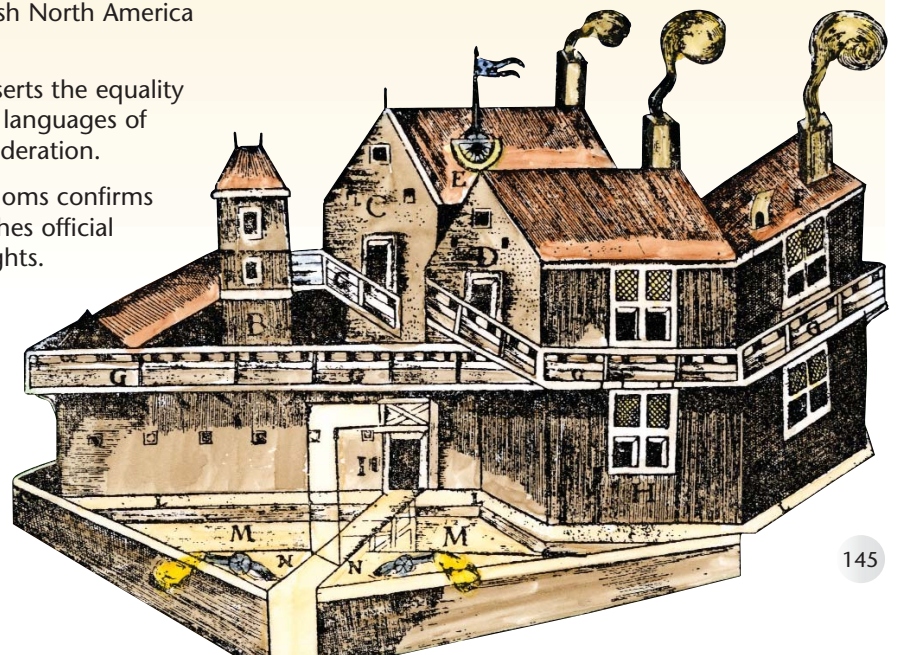
1774 Britain passes the Québec Act, recognizing the rights of Francophones to their language and identity.

1867 Confederation establishes Canada as a bilingual, bicultural nation under the British North America (BNA) Act.

1969 The Official Languages Act reasserts the equality of French and English as official languages of Canada, as established at Confederation.

1982 The Charter of Rights and Freedoms confirms official bilingualism and establishes official language minority education rights.

The French established the first permanent European settlements in what became Canada, and developed important relationships with First Nations during the fur trade. This illustration, drawn by Samuel de Champlain, shows the *habitation* the French built at Québec in 1608.

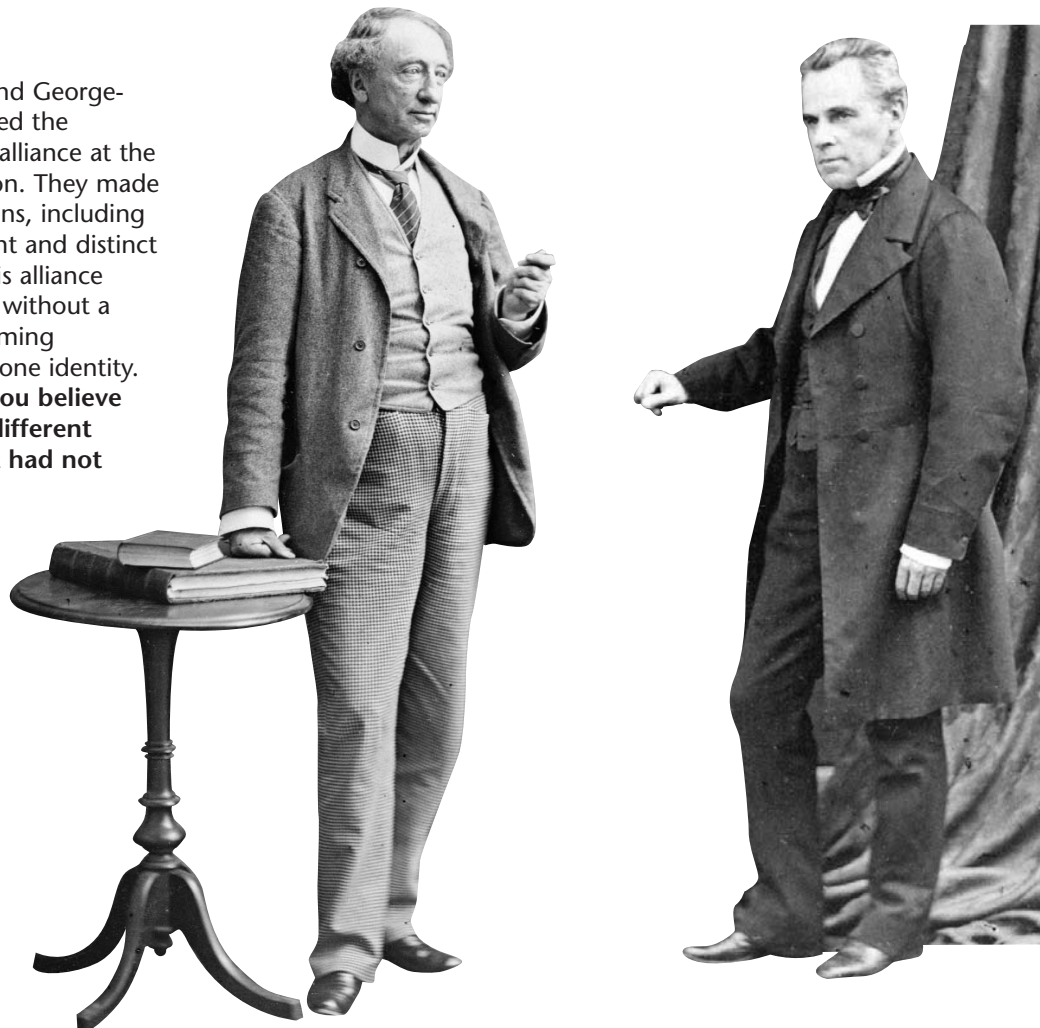


How has the Charter affected Francophone education?

Where do the Charter rights of official language groups come from?

- Rights for Francophones and Anglophones are part of what made Confederation, and so Canada, possible.
- Under the British North America Act (BNA Act) in 1867, Confederation established Canada as a bicultural, bilingual country with rights for Francophones and Anglophones.
- It made French and English official languages of Canada's parliament.
- It guaranteed public schools for the Protestant minority in Québec and the Catholic minorities in the rest of Canada. The “rest of Canada” at that time included Ontario, Nova Scotia and New Brunswick. These religion-based rights corresponded to English–French language divisions in Canada at the time, since most Protestants spoke English and most Catholics spoke French.

John A. Macdonald (left) and George-Étienne Cartier (right) forged the Francophone-Anglophone alliance at the foundation of Confederation. They made the alliance for many reasons, including a desire to stay independent and distinct from the United States. This alliance would not have happened without a commitment to rights affirming Francophone and Anglophone identity. **Think critically:** How do you believe life in Canada would be different today if this commitment had not been made in 1867?



DID YOU KNOW?

Confederation established Canada as a bilingual, bicultural country with education rights for Protestants and Catholics. But, for many years, the equality of Francophones and Anglophones was more of an ideal than a reality, especially for Francophones in minority settings.

In what way did the following acts and resolutions draw the founding principles of Confederation into question?

1890 Manitoba Schools Act

Manitoba entered Confederation in 1870, as a bilingual province with rights to publicly funded Catholic schools that served the Francophone community and Protestant schools that served the Anglophone community. Although these rights had been hard won by Louis Riel, and central to the entry of Manitoba into Confederation, the Manitoba Schools Act:

- Abolished public funding for Catholic schools.
- Made Manitoba an officially English-only province.

1892 Haultain Resolution and North-West Territories Ordinance Number 22

Before Alberta became a province, it was part of the North-West Territories, which was officially bilingual and had publicly funded Catholic schools and Protestant schools.

- The Haultain Resolution was proposed by the premier of the territory, Frederick Haultain, and passed by the territory assembly. It called for the proceedings of the assembly to be English only.
- Ordinance Number 22 required English as the language of instruction in all schools.



What effect do you think the laws

described on this page would have on a minority-language group?



Decisions about the language of government and instruction had a direct impact on the lives of Francophones in Alberta, such as the Vasseur family in Sylvan Lake. This photo was taken in 1908.

The Charter and Official Language Minority Education Rights

When Prime Minister Pierre Trudeau sought to patriate Canada's constitution in 1982, he saw an opportunity to renew Canada's commitment to official language rights, established in the BNA Act in 1867 and in the Official Languages Act in 1969. He considered section 23, which sets out the education rights of official language minorities, particularly important. **How does the chart below convey the impact of section 23?**

THE CHARTER AND FRANCOPHONE EDUCATION RIGHTS IN ALBERTA

Cause

1982: The Charter of Rights and Freedoms becomes part of Canada's constitution.

Effect: Francophone Schools

1983: Francophone parents begin to lobby for their minority language education rights under section 23 of the Charter.

1984: Alberta's first two publicly funded Francophone schools open in Edmonton and Calgary.

present: Alberta has 26 publicly funded Francophone schools.

Effect: Francophone School Boards

1983: Francophone parents in Alberta launch a Charter challenge to establish their right to Francophone school boards.

1990: The Supreme Court affirms the right.

present: Across Canada, Francophones outside Québec have established more than 25 school boards, including 5 in Alberta.



1. Create a diagram that illustrates your understanding of the relationship between language and identity. Explain it to a partner.
2. How effectively does the Charter support the identity of Francophones in minority settings? Use evidence from this page to back up your conclusion.
3. To what extent should provincial and federal governments in Canada support and promote the education rights of official language minorities? Back up your position with three points about the history of these rights. Explain how the inclusion of these rights in the Charter affects your answer.
4. What languages are recognized by provincial and territorial governments today? Go online to find up-to-date information.

Putting Francophone Rights into Action

profile

It's one thing to have a right and it's another to access that right. A right makes a difference in your life only when you use it. Nothing happens automatically from entrenching a right in the Charter.

In 1982, the rights in section 23 were new to us — they were new to everybody. So, the first step was understanding what the right granted us. Then, we had to educate others about what the right meant: that Francophones in Alberta could establish French first-language schools for themselves, distinct from other schools. This was the same right the English minority in Québec had had since Confederation.

This upset some people. But Francophones need Francophone schools — this one thing, distinct, for us. We need it for the survival of our community.

For Francophone students to become contributing members of our country and the world, they need to learn in their first language, and in an environment that supports their identity. They need to learn from other Francophones and hear the stories — learn the stories. Not just so they can retell the stories, but so they can create with them, and find new ways of being Francophone.

People in the majority don't have to think about what supports their identity. The supports are just there. But they aren't "just there" for us.

When you're a Francophone in a minority setting, the English-speaking world is all around you. If you don't pay attention, you can become assimilated. Francophone schools make you aware that you have a choice. If you want to remain Francophone, it's a decision. You have to make it consciously and often.

The fact of the right, and using the right, makes me proud as a citizen. I'm living in a country that allows me to say, "I'm legitimate. I have a right to be here." I really feel good about that for myself, my family, my community — and for Canada.



CRITICAL THINKING CHALLENGE

How does official bilingualism help create a society in which all Canadians belong?



Claudette Roy, C.M., led her community to obtain the first publicly funded Francophone school in Edmonton in 1984, after section 23 of the Charter of Rights and Freedoms enshrined minority language education rights in Canada's constitution. She was named to the Order of Canada in 2000 for her work in education.



CRITICAL THINKING CHALLENGE

In what way is asserting collective rights an act of citizenship? In what way does it build a society in which people of different identities and perspectives can belong?

How does the Charter affect Francophone identity in Québec?

In 1977, Québec's government passed the *Charte de la langue française* (Charter of the French Language), or Bill 101. Use the evidence on this page to establish the connection of this law to Francophone identity in Québec, and the impact of Canada's Charter of Rights and Freedoms on the law.

1977

Bill 101: *Charte de la langue française*

This Québec law sets down rules for protecting and promoting the use of the French language in Québec. It states these reasons:

- French-speaking people are a distinct people and French is the language that expresses their identity.
- The people of Québec want to make French the language of government and the everyday language of work, education and business.



BEFORE CHARTER

Rule: Commercial signs may use only French.

Rule: Francophones and immigrants in Québec must attend Francophone schools.

1982: Section 23 Rights, Charter of Rights and Freedoms

Freedom of expression

Anglophone businesses seek the right to use English on signs.

Equality rights

Francophone and immigrant parents in Québec seek the right to educate their children in English.

AFTER CHARTER

1988

Supreme Court decision: The law can require signs to use French, but cannot prohibit the use of English in addition. The law can require French to be more prominent than English.

2005

Supreme Court decision: Francophone parents do not have a right to educate their children in Anglophone schools in Québec, since this violates the intent of section 23 to protect Francophone identity as a minority culture in Canada. Immigrant parents have this right, if their children have already received some education in English.

This parking-ticket dispenser in Montréal reflects the law about commercial signs in Québec: it displays both French and English, and makes French prominent to the extent that it displays French first. **Think critically: Why might Canadians have different perspectives on what this sign represents about affirming Francophone identity in Québec?**



connect to the big ideas

1. Citizenship involves building a society that includes you and everyone. How do the collective rights of Francophones affect citizenship? Brainstorm three ways in which rights of official language groups in Canada affect your responsibilities as a citizen of Canada.
2. Read the statement below from Montréal MP Denis Coderre. What responsibilities of citizenship does it reflect?
3. Why might some Francophones have a different perspective than Denis Coderre on the significance of the Charter?
4. Using electronic publishing tools, write and publish an editorial stating your position on the question: How do collective rights affect quality of life for everyone in Canada? Support your ideas with facts and examples from this section.

The Charter of Rights and Freedoms says you can be equal and different at the same time.

That's the purpose of the Charter of Rights and Freedoms: to protect your freedoms and to protect who you are — your place in this great nation. It says we can be different from one another, and that we are all first-class citizens, too.

In Canada, we believe in sharing our different cultures, while also being full participants in overall issues. That's the beauty of our country. The Charter reflects our common goal to add our different identities to Canada, not replace them.

The Charter is clearly a fundamental law that defines who Canadians are.



Denis Coderre is an MP from Montréal. In 2002, he was Minister of Citizenship and Immigration. **Think critically:** To what extent does the Charter affect Denis Coderre's quality of life?



According to Denis Coderre, how do collective rights affect quality of life for everyone in Canada?

1870 1869–70

1880 1875–79

1890

1890

1900

1910 **inherent rights:**
rights with
origins in
fundamental
justice

1920

1930

1940 1938

1950

1960

1970

1980 1982

1990 1990

2000 2003

2006

2010

What laws recognize the collective rights of the Métis?

WHAT'S IN THIS SECTION

This section describes the history of Métis rights in Canada. It presents:

- An annotated timeline of events and legislation affecting Métis rights.
- An interview with a Métis leader, presenting a Métis perspective on this people's collective rights.

What are you looking for?

The Métis are one of Canada's Aboriginal peoples under section 35 of Canada's constitution. Unlike First Nations, the Métis do not have any historic treaties with Canada's government.

As an Aboriginal people of Canada, the Métis consider rights to land, and rights to use the land in traditional ways, as **inherent rights** — rights they have because they are First Peoples. The coming section presents a timeline of events related to the recognition of these rights for the Métis in Canada.

In Canada today, the Métis are represented by several organizations. This chapter presents the perspectives of two organizations in Alberta: the Métis Nation of Alberta and the Métis Settlements General Council. It also presents other views and perspectives related to the events in the timeline — in particular, the views of Canada's government.

As you investigate the timeline, look for:

- Examples of views and perspectives that had an impact on the recognition of Métis rights over time.
- Ways the Métis have used section 35 of the constitution in exercising their rights over time.

1869–1870

The Métis-led Red River Resistance resulted in the Manitoba Act, passed by Canada's parliament. The act established Manitoba as a bilingual province, with education rights for Catholics and Protestants, and Métis land rights. The act specified the Métis would receive more than 500 000 hectares of land in addition to the farms they had established along the Red River.

scrip: in Métis history, a document that could be exchanged for land and that was offered to the Métis at the time the Numbered Treaties were negotiated



This photo shows the provisional government established by the Métis at the Red River Settlement in 1869, with Louis Riel as its president. As a Métis and a Francophone with Catholic roots, Riel championed the cause of both Métis and Francophone rights in what became western Canada. The creation of the provisional government reflected the perspective of Francophones and the Métis in Red River: that Canada's government needed to negotiate with them about their entry into Canada. Until the Red River Resistance, Canada's government held the view that negotiations were not necessary.

1875–1879

Canada's government issued **scrip** to the Métis, instead of establishing Métis lands in Manitoba. In some cases, it offered the Métis a choice: to accept scrip or to become "Treaty Indians" under a Numbered Treaty. In the view of Canada's government, the Métis did not have the same rights to land as First Nations — and did not require reserves. The Métis perspective was — and is — that the Métis have rights to land as an Aboriginal people.



This photo shows land scrip issued to Baptiste Forcier, June 23, 1894.

Scrip could be exchanged for land, but the Métis found it difficult to use scrip to establish a large tract of land where they could live together. Many Métis sold their scrip and left Manitoba. They moved west, into what would become Saskatchewan and Alberta.

1885



Louis Riel led the Northwest Resistance, which ended in a military conflict between the Métis and Canada's government. The Métis had

sent petitions to Canada's government about their land rights, but the government did not respond.

Historians continue to analyze why Canada's government did not respond: did the government neglect, or did it dismiss the petitions?

Louis Riel was tried and hung for treason in Regina on November 16, 1885. At the time, Canada's government, and many Anglophones, agreed with Riel's sentence. Most Francophones opposed it, and saw it as a betrayal of the Francophone-Anglophone agreement at the foundation of Confederation. Today, many Canadians — including Francophones, Anglophones and the Métis — consider Louis Riel a "Father of Confederation" who upheld the rights of Aboriginal peoples and Francophones in western Canada.

1896–1910

Métis settlers established farms at St. Paul des Métis — near what is today St. Paul, Alberta — on land provided by the Catholic Church. The Métis did not have title to this land, however, and had to leave when the settlement was closed.



These graves at Batoche mark where most of the fighting occurred in 1885. The graves represent values and attitudes in history: the people who died here — both Métis and government soldiers — felt so strongly about their different positions on the issue of Métis rights that they gave their lives.



**CRITICAL THINKING
CHALLENGE** How does
understanding the complexity of
views and perspectives about Louis Riel
connect to citizenship in Canada today?

1938

L'Association des Métis de l'Alberta et des Territoires du Nord-Ouest lobbied Alberta's government to set aside land for the Métis. Alberta's government passed the Métis Population Betterment Act in 1938, which established twelve temporary Métis settlements. This was the first time in Canada's history that a government had provided the Métis with land.

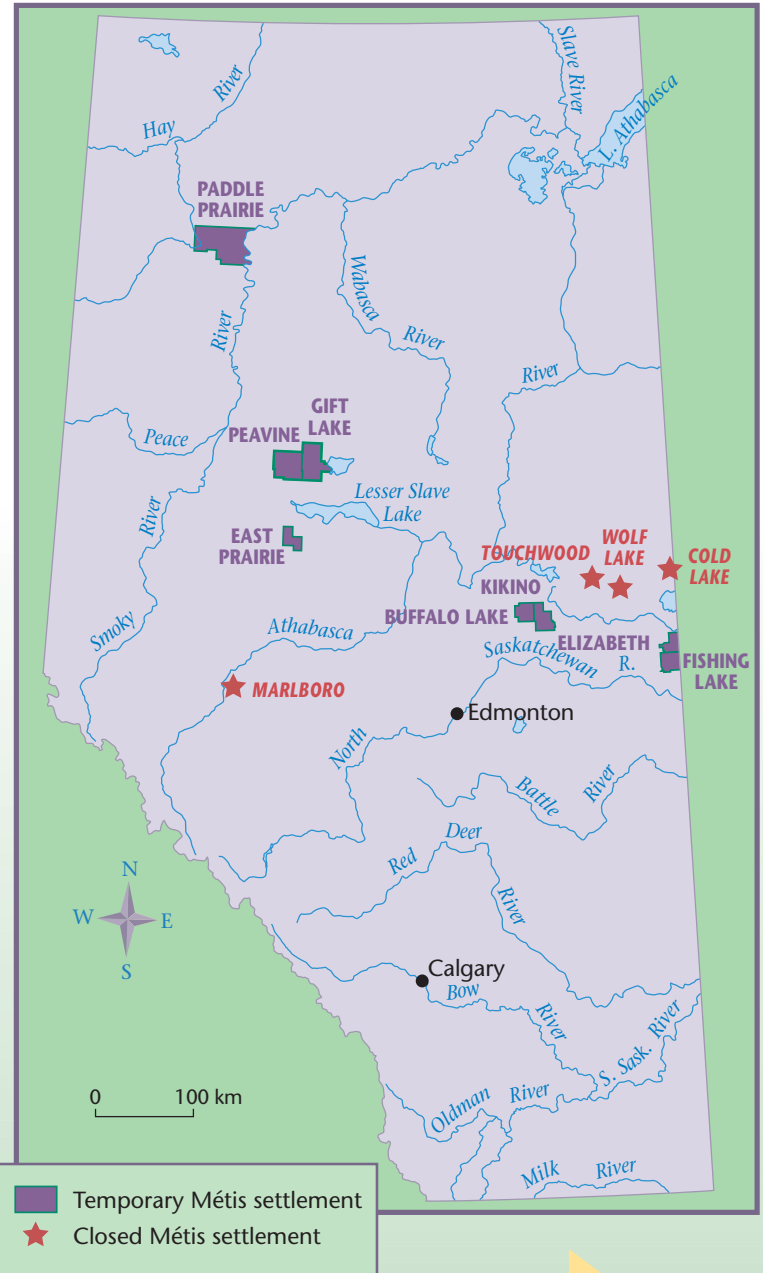
1940–1960

The temporary settlements did not give the Métis control of the land. When four of the settlements proved unsuitable for farming, hunting or fishing, the settlements were closed and the land went back to the government of Alberta.



James Brady, Malcolm Norris, Felix Calihoo, Peter Tomkins and Joseph Dion founded *L'Association des Métis de l'Alberta* (now the Métis Nation of Alberta) in 1932, during the Great Depression. The association took action to improve the lives of the Métis, because many Métis were hit hard by the Depression. It lobbied for Métis settlements, but not everyone agreed on the role land should play in the Métis' future. James Brady, for example, saw the settlements as something temporary that the Métis would not always need.

Métis Settlements in Alberta, 1938–1960



How does the information on this page demonstrate that the Métis have diverse perspectives? What other examples of differences in views and perspectives can you find in this section?

1982

The Métis lobbied for recognition of Métis rights in Canada's constitution. When the constitution was patriated, it included section 35, which recognizes the Métis as one of Canada's Aboriginal peoples with rights.

Harry Daniels (standing, centre) worked to ensure that Canada's constitution recognized Métis rights. This photo shows him during constitutional negotiations in February 1981. He is listening as Peter Ittinuar (right), MP for the eastern Arctic, makes a point to Jean Chrétien, then Canada's justice minister.

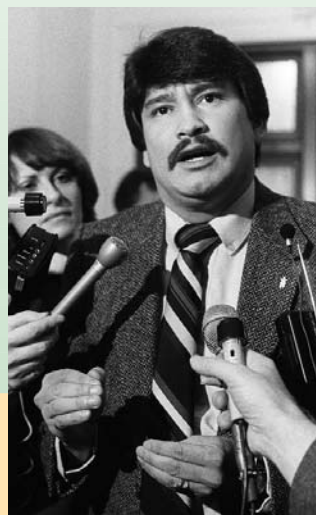


Section 35

Constitution Act, 1982

The existing Aboriginal and Treaty rights of the Aboriginal peoples of Canada are recognized and affirmed.
Aboriginal peoples include the Indian, Inuit, and Métis peoples of Canada.

Elmer Ghostkeeper, president of the Federation of Métis Settlements of Alberta from 1980 to 1984, describes a meeting with Alberta's premier Peter Lougheed on November 20, 1981. At the meeting, Ghostkeeper and Lougheed crafted the wording that established Métis rights in Canada's constitution.



How do these events reflect the Métis struggle to gain collective rights?
How do they reflect changes in the view of Canada's government regarding Métis collective rights?

1990

Alberta's government enacted legislation under which the Métis received the Métis settlements as a permanent land base with the right to manage their own affairs. The legislation included:

- Constitution of Alberta Amendment Act.
- Métis Settlements Accord Implementation Act.
- Métis Settlements Act.
- Métis Settlements Land Protection Act.

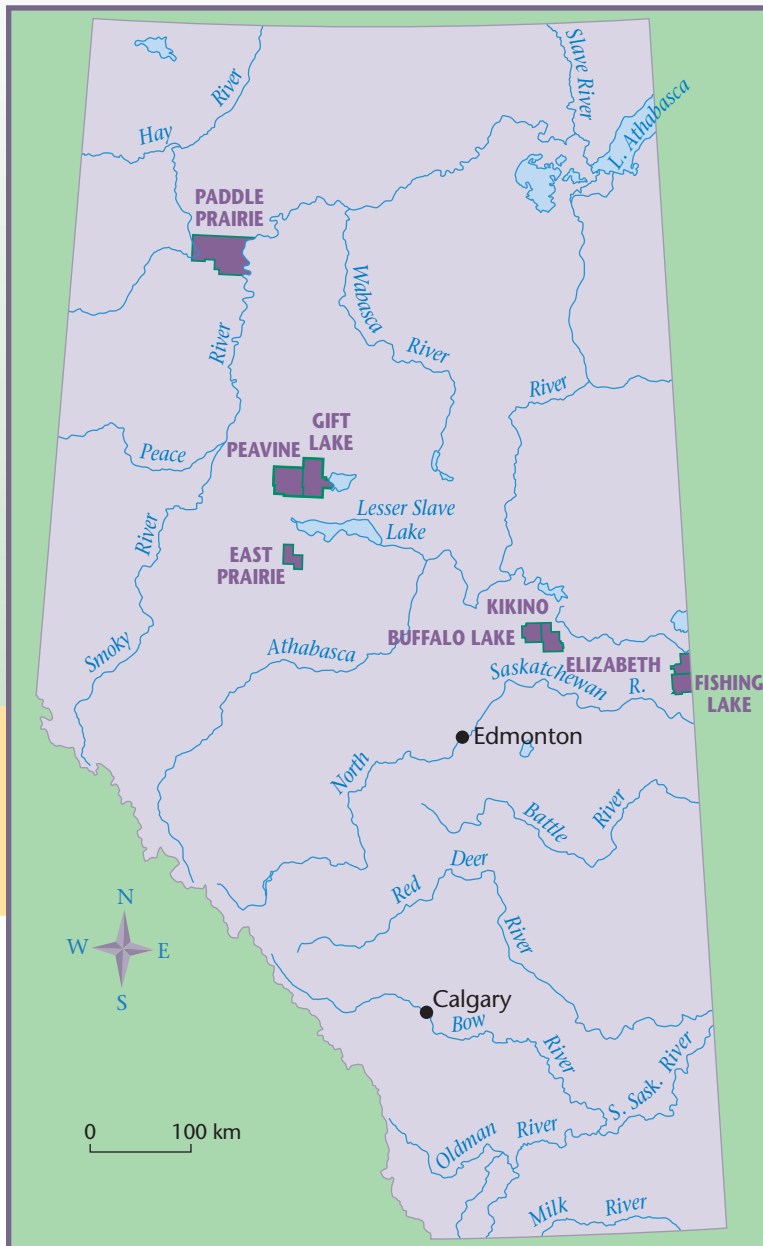
In addition, an agreement with Alberta's government established the right of the Métis to participate in the development of oil and gas resources on settlement lands.



How does the recognition of the right to land affirm the collective identity of the Métis?

autonomy: authority to make decisions

Métis Settlements in Alberta, 2007



The creation of permanent, self-governing settlements for the Métis came from negotiations between the Métis of the settlements and the government of Alberta. In 1982, a joint government-Métis committee was struck. In 1984, it called for new legislation to give the Métis Settlements more **autonomy**.

In 1990, we finally had a place we could call home.

Susan Cardinal Lamouche is the elected secretary of the Métis Settlements General Council in Alberta.



The Métis Settlements General Council (MSGC) holds the collective rights of the Métis to the settlement lands. Taken together, the settlements cover more than 200 000 hectares, an area roughly the size of P.E.I. This makes the MSGC the single largest landholder in Alberta.



Steve Powley, a Métis from Ontario, was charged with hunting without a licence in 1993. He fought the charge for ten years, based on his rights as an Aboriginal person under Canada's constitution. He eventually won in a Supreme Court decision.

2003

The Supreme Court ruled that the Métis have the right to hunt and fish, as one of Canada's Aboriginal peoples under the constitution. These rights recognize the unique relationship to the land of the Métis, based in history and their inherent rights as an Aboriginal people.

2004

In two separate negotiations, the Métis Settlements General Council and the Métis Nation of Alberta struck agreements with Alberta's government recognizing Métis hunting and fishing rights. The agreements ensured that the Métis could hunt and fish for food, and that they did not need licences. In 2007, the Alberta government put rules in place that restricted these rights without agreement from the Métis organizations. Albertans have different views and perspectives about Métis harvesting rights. Some endorse the rights and see them as part of the Métis' heritage as an Aboriginal people. Others believe everyone in Alberta should have the same rights to hunt and fish, under laws and licensing regulations set by the provincial government.



CRITICAL THINKING CHALLENGE What view of Métis collective rights does the Alberta government's 2007 decision about harvesting rights reflect?

Winnipeg today stands on land the Métis would have claimed under the guarantees of the Manitoba Act.

2006

In April, the Métis in Manitoba launched a court case seeking compensation for land promised, but not delivered, in the Manitoba Act.



connect to the big ideas

1. Based on information in this section, what would you say is the most important legislation that recognizes Métis collective rights in Canada? Why?
2. Consider an example from today of diverse perspectives and views on Métis collective rights. Describe some factors, based on the history in this section, that might explain the different views and perspectives.

How do the Métis see their rights?

Audrey Poitras was first elected president of the Métis Nation of Alberta in 1996. The Métis Nation of Alberta has more than 35 000 members. Its mandate is to represent the Métis in government decision-making processes and to provide services to Métis people, such as housing and funds for education.



In 2007, as elected president of the Métis Nation of Alberta, Audrey Poitras represented her organization's members in negotiations and debates on issues of concern to Canadians.

One of the fundamental aspects of Métis rights is our ability to define ourselves. It's not up to the government, or non-Métis people, to define who is Métis. Only the Métis Nation itself can make those kinds of distinctions.

The recognition of Métis rights goes hand in hand with the sense of identity for many people. The recognition gives them the courage to reconnect with their heritage, and to once again be proud of who they are.

It's been a constant battle to have our rights recognized. But one thing we do know: our rights are enshrined in Canada's constitution at a national level.

The interpretation of Métis rights falls to the different provinces, and many provinces have a very narrow interpretation of our rights. Although we have come a long way, there's a long way to go.

Gerald Cunningham is a member of the East Prairie Métis Settlement and was elected president of the Métis Settlements General Council (MSGC) in 2007. The MSGC is the governing body of the eight Métis Settlements in Alberta, with approximately 9000 members.



In 2007, as elected president of the Métis Settlements General Council, Gerald Cunningham represented the Métis of Alberta's Métis Settlements.

The most important part for me is that the Métis are now recognized in the Canadian constitution as one of the Aboriginal peoples in Canada. Métis people are now proud of who they are. A lot of people did not identify themselves as Métis before, but you can see from the 2006 census of Canada that more people are coming forward as Métis. Over the past decade, the Métis population was the fastest growing Aboriginal group, up 72 percent in Alberta and more than 90 percent in Canada.

At the present time, the box labelled "Métis rights in Canada" only contains harvesting rights. Métis across the country have to work together to fill that box up and further define our Métis rights.



CRITICAL THINKING CHALLENGE Why might the Métis organizations described on this page have different perspectives on Métis collective rights?



Why are the collective rights of the Métis important to Audrey Poitras and Gerald Cunningham?



Wrap Up Your Task

For your chapter task, you need to create a display for an exhibit on collective rights. Now is the time to reflect back on all your research and draw conclusions on what you have learned.

Summarize Your Ideas

Gather all the information you have that answers the question: How has collective-rights legislation over time shaped who we are as Canadians? Review and summarize your information, writing it up in a report in an organized, persuasive and logical way. Reflect back on your report to determine if you need more information or if information is missing.

Prepare Your Display

Think about what you would like in your display and what products would be most persuasive in communicating your ideas. You can combine products or just choose one. For example:

- Create a slide show with text, graphics or video clips explaining your research. In the background, you could have music that reflects the theme of your ideas.
- Create a poster with charts, pictures and text that illustrates your research.
- Create sound or DVD recordings of interviews you conduct with people who hold collective rights.

What do displays in museums usually include? Think of how you could guide someone through what you have learned about collective rights with visuals and explanations. Some displays also include sounds and music.

TIPS FOR PREPARING A DISPLAY

- ✓ Complete your background research and summarize it in a report.
- ✓ Develop a plan of what you want in your display and what information would work best with different products or formats.
- ✓ Complete one part of your display at a time.
- ✓ Make sure to include titles, subtitles and headings to help the audience understand how the information is organized.
- ✓ Be creative in how you pull it together!

Chapter 4 Review

WHAT DID CHAPTER 4 EXPLORE?

- What laws recognize the collective rights of First Nations peoples?
- What collective rights do official language groups have under the Charter?
- What laws recognize the collective rights of the Métis?

Revisit the Chapter Issue

Use what you have learned in this chapter to develop your own informed position on the chapter issue:

To what extent has Canada affirmed collective rights?

Work through the directions for “Demonstrating Your Learning” on page 55 to present your position.

Share What You Know

Conduct a roundtable discussion with a small group about legislation concerning the collective rights explored in this chapter. Identify an event from this chapter that you think is most crucial in affirming the rights of a group. Explain how this event affects your identity and quality of life as a citizen in Canada. Support your explanation with facts and reasons. *Refer to the Skills Centre on page 372 for ideas on conducting roundtable discussions.*



Take Action

Organize a panel discussion on collective rights at your school. Invite guest speakers to present their views on the challenges and opportunities of affirming collective rights in Canada. Choose speakers based on your research from the previous activity. With the assistance of your teacher, prepare a media release to send out to local newspapers and media groups inviting them to the event.

Reflect Before You Forget

Reflect on what you learned about collective rights in this chapter. Complete these thoughts:

- In this chapter I discovered... about analyzing historical context.
- The most important thing I learned in this chapter about collective rights is...
- One thing I'd like to know about how groups exercise their rights is...

Link with Technology

Do an online search of community groups and organizations supporting the collective rights of First Nations, Francophone and Métis peoples.

Using technology, create a brochure profiling the viewpoints and perspectives of two or three of the groups on affirming collective rights. Share your brochure with your classmates or the school community.